

between the 1-MCP treatment and fumigation. There is no disclosure, teaching, or suggestion in Huang alone, or in combination with Sisler, that plants are, or should be, treated with 1-MCP at reduced pressures. Tables 3, 4, and 5, and page 12 of Huang do not teach the use of 1-MCP at reduced pressure, only that the fumigation was conducted at reduced pressure. Thus, the reference does not disclose Applicants' claimed invention; the treatment of plants and plant parts with 1-methylcyclopropene at reduced pressure and the advantages of such treatment.


The Office Action states that since the prior art teaches low pressure that it would have been obvious to use low pressure for the treatment with 1-MCP alone. However, this assumption misses the purpose of utilizing low pressure for fumigation. Huang indicates that fumigants themselves cause damage to the plants. (See page 11, lines 8-26, particularly lines 22-26). Thus, the purpose of the use of low pressure in the fumigation step is to reduce the dose of fumigant while still maintaining activity against the insect pests. (See page 12, lines 6-19). 1-MCP, on the other hand, does not damage plants. In fact, it is known to preserve plants. As a result, there is no motivation to use 1-MCP at a reduced dose as there is with using the fumigants. It is clear from Huang that the fumigation and 1-MCP steps in the process are carried out entirely separately. If it was obvious to carry these steps out simultaneously, Huang would have done so in order to reduce the number of steps involved in the process. If anything, the Huang reference teaches away from the use of 1-MCP at low pressures.

The Office Action also states that the claims of the instant application cover a large number of compounds and that a single species is not sufficient to support a generic claim citing *In re: Shokal et al.*, 44 C.C.P.A. 854; 242 F.2nd 771. However, the citation also indicates in [1] that the number of species required will vary with the circumstances of particular cases. Applicants maintain that the circumstances here support the fact that a single species is sufficient to support the generic claim. The compounds of Applicants' claimed genus are known and have been previously disclosed. (See, for example, U.S. Patent 6,444,619, cited in Applicants' Notice of References Cited). Applicants' are not claiming a specific genus of cyclopropene compounds but, rather, a new method of using known cyclopropene compounds which improves the performance (i.e. reduced treatment time) of such cyclopropene compounds. By demonstrating that one member of the known genus shows improved performance at reduced pressures, one

skilled in the art would conclude that other members of the genus would also show improved performance at reduced pressures. This is Applicants' invention.

With this response, Applicants believe that the rejections have been overcome and the claims are in condition for allowance. Should the Examiner have any suggestions which may put the Application in better condition for allowance, Applicants' attorney is willing to discuss any such suggestions either by phone or at the U. S. Patent and Trademark Office.

Respectfully submitted,



Thomas D. Rogerson, Ph.D.  
Attorney for Applicants  
Registration No. 38,602  
Telephone: 215-619-1569

Patent Department, 7<sup>th</sup> Floor  
Rohm and Haas Company  
100 Independence Mall West  
Philadelphia, PA 19106-2399  
Date: June 30, 2006